

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION

IN RE:
WAYNE BAILEY, INC.,

CHAPTER 11

CASE NO: 18-00284-5-SWH

DEBTOR(S)

☐ Check if this is an amended filing

CHAPTER 11 POST-CONFIRMATION REPORT
PURSUANT TO THE ORDER CONFIRMING PLAN

REPORTING PERIOD COVERED: _____

DATE PLAN CONFIRMED: 10/2/2018

EFFECTIVE DATE OF PLAN: 10/3/2018

ESTIMATED CLOSING DATE: _____

I/We declare under penalty of perjury that the information contained in this report is true and correct to the best of my/our knowledge and belief.

DEBTOR:

JOINT DEBTOR:

Printed Name: _____

Printed Name: _____

Date: _____

Date: _____

Signature: _____

Signature: _____

Title (for Corporate Debtor): _____

I have read the information in this report and the information contained herein is true and correct to the best of my knowledge and belief:

ATTORNEY FOR THE DEBTOR(S):

Printed Name: _____

Date: _____

Signature: s/John C. Bircher III

Penalty for making a false statement or filing a false report: Fine of up to \$500,000.00 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571

Revised December 2017

PAYMENTS TO CREDITORS

Class 1 – (Creditor(s) in this Class: Ad Valorem Taxes)

- (a) Date payments commence to this Class: 10/15/2018
- (b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation
- (c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other
- (d) Total amount required to be paid this Quarter: _____
- (e) Total amount paid this Quarter: _____
- (f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No
- (g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

Class 2 – (Creditor(s) in this Class: Ally Bank)

- (a) Date payments commence to this Class: 9/29/2018
- (b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation
- (c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other
- (d) Total amount required to be paid this Quarter: _____
- (e) Total amount paid this Quarter: _____
- (f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No
- (g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

Class 3 – (Creditor(s) in this Class: BB&T)

(a) Date payments commence to this Class: Paid from sale proceeds

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter: _____

(e) Total amount paid this Quarter: _____

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

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Class 4 – (Creditor(s) in this Class: _____)

(a) Date payments commence to this Class: _____

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter: _____

(e) Total amount paid this Quarter: _____

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

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Class 7 – (Creditor(s) in this Class: _____)

(a) Date payments commence to this Class: _____

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter: _____

(e) Total amount paid this Quarter: _____

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

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Class 8 – (Creditor(s) in this Class: _____)

(a) Date payments commence to this Class: _____

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter:

(e) Total amount paid this Quarter:

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

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Class 9 – (Creditor(s) in this Class: _____)

(a) Date payments commence to this Class: _____

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter: _____

(e) Total amount paid this Quarter: _____

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

Class 10 – (Creditor(s) in this Class: _____)

(a) Date payments commence to this Class: _____

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter: _____

(e) Total amount paid this Quarter: _____

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

*** Creditor to be paid from net sale proceeds of collateral.**

Class 11 – (Creditor(s) in this Class: _____)

(a) Date payments commence to this Class: _____

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter: _____

(e) Total amount paid this Quarter: _____

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

* Creditor will be paid from sale proceeds and by monthly payments beginning 11/2/2018.

Class 12 – (Creditor(s) in this Class: PACA Trust Claims _____)

(a) Date payments commence to this Class: 11/17/2018

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter: _____

(e) Total amount paid this Quarter: _____

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

Class 12a - Creditor in this Class: _____)

(a) Date payments commence to this Class: _____

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter: _____

(e) Total amount paid this Quarter: _____

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

Class 13 - (Creditors in this Class: _____)

(a) Date payments commence to this Class: _____

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter: _____

(e) Total amount paid this Quarter: _____

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

Class 14 - (Creditor in this Class: _____)

(a) Date payments commence to this Class: _____

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter: _____

(e) Total amount paid this Quarter: _____

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

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Class 15 - Creditor in this Class: _____)

(a) Date payments commence to this Class: _____

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter:

(e) Total amount paid this Quarter:

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

Class 18 - Creditors in this class: _____)

(a) Date payments commence to this Class: _____

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter: _____

(e) Total amount paid this Quarter: _____

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

* Creditors within this class will be paid from the net proceeds of sale after satisfaction of claims of all lienholders, administrative, and priority claims; net proceeds from any causes of action, after payment of all costs associated with action after satisfaction of any amount owed to CFG necessary to satisfy its lien upon the action and administrative or priority claims; and, the balance, if any, owed by WBPC on the note executed in favor of CFG after satisfaction of the CFG Secured Claims.

Class 19 - Creditors in this Class: Equity Security Holders _____)

(a) Date payments commence to this Class: n/a _____

(b) No payments due (if applicable): ☐ Paid in Full, ☐ Collateral Sold/Surrendered,
☐ Unsecured Creditor Treatment, ☐ No Claim Owed, ☐ Third Party Obligation

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter: _____

(e) Total amount paid this Quarter: _____

(f) Is the Debtor in compliance with the Plan with regards to this Class? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

PAYMENTS TO NON-CLASSIFIED CLAIMS

Check if this form is not applicable to the Debtor(s)

A.) Name of Claimants: _____

(a) Date payments commence to these creditors: _____

(b) No payments due (if applicable): ☐ Paid in Full, ☐ No Claim Owed

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter: _____

(e) Total amount paid this Quarter: _____

(f) Is the Debtor in compliance with the Plan with regards to these creditors? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

B.) Name of Claimants: _____

(a) Date payments commence to these creditors: _____

(b) No payments due (if applicable): ☐ Paid in Full, ☐ No Claim Owed

(c) Payments are ☐ Monthly, ☐ Quarterly, ☐ Bi-Annually, ☐ Annually, ☐ Other

(d) Total amount required to be paid this Quarter: _____

(e) Total amount paid this Quarter: _____

(f) Is the Debtor in compliance with the Plan with regards to these creditors? ☐ Yes ☐ No

(g) If the Debtor has not made all required payments, please provide specific details regarding the number of payments missed and when the Debtor intends to bring the payments current:

PROPERTY SALE REPORT

(a) Does the Plan propose the sale or transfer of property? ☐ Yes ☐ No

(b) If Yes, please complete the following chart:

Description of Property	Date Property Must be Sold	Date Property Sold

(c) If the Debtor sold property during the quarter, please complete the following chart:

Description of Property Sold	Date Property Sold	Gross Sale Proceeds	Net Sale Proceeds Paid to Debtor

PAYMENTS TO PROFESSIONALS

Please list any and all payments made to any and all professionals (e.g., attorney, accountant, realtor, etc.) during the reporting period, not otherwise disclosed in this report.

Name of Professional	Date Payment Made	Amount Paid to Professional

MATTERS PENDING

What other specific matters does the Court need to resolve prior to closing the case (e.g., adversary proceedings, claim disputes, filing fee applications, etc.)? Please indicate the nature of each matter, and an estimated time frame that these matters will be resolved:

CHAPTER 11 QUARTERLY FEES

DISBURSEMENTS INCLUDE: Sum total of all disbursements from all of the Debtor's bank accounts – **and** – payments made on behalf of the Debtor. Disbursements do not include transfers between the Debtor's accounts. Quarterly fees are not prorated.

Calculating the Fee: Use the table on the following page to compute the Amount of Fee Due for each quarter. Payment of quarterly fees should be submitted to Debtor's attorney, and then Debtor's attorney should submit the payment through **www.pay.gov**.

	<u>Disbursements made by Debtor</u>		<u>Disbursements made on behalf of Debtor</u>
Disbursements for	_____	+	_____
Disbursements for	_____	+	_____
Disbursements for	_____	+	_____
<u>TOTAL:</u>	_____	+	_____

TOTAL DISBURSEMENTS: _____

Amount of Fee Due: _____

Amount of Fee Paid: _____

Total Disbursement for the Quarter	Amount of Fee Due
\$0 to \$14,999.00	\$325
\$15,000.00 to \$74,999.99	\$650
\$75,000.00 to \$149,999.99	\$975
\$150,000.00 to \$224,999.99	\$1,625
\$225,000.00 to \$299,999.99	\$1,950
\$300,000.00 to \$999,999.99	\$4,875
\$1,000,000.00 to \$1,999,999.99	\$6,500
\$2,000,000.00 to \$2,999,999.99	\$9,750
\$3,000,000.00 to \$4,999,999.99	\$10,400
\$5,000,000.00 to \$14,999,999.99	\$13,000
\$15,000,000.00 to \$29,999,999.99	\$20,000
\$30,000,000.00 or more	\$30,000